

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 10-10414-WGY
)	
KEVIN B. KELLY,)	
Defendant.)	

FINAL ORDER OF FORFEITURE

YOUNG, D.J.

WHEREAS, on December 7, 2010, the United States Attorney for the District of Massachusetts filed a three-count Information charging defendant Kevin B. Kelly (the "Defendant"), with Wire Fraud, in violation of 18 U.S.C. § 1343 (Count One), Interstate Transportation of Stolen Property, in violation of 18 U.S.C. § 2314 (Count Two), and Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A (Count Three);

WHEREAS, the Information also contained a forfeiture allegation, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of any offense alleged in violation of 18 U.S.C. § 1343 or § 2314 alleged in the Information, of any property, real or personal, that constitutes, or is derived from, proceeds traceable to the commission of the offenses;

WHEREAS, the Information further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of this Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the

Defendant, up to the value of such assets, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p);

WHEREAS, on January 6, 2011, the Defendant pled guilty to Counts One through Three of the Information;

WHEREAS, on March 23, 2011, this Court issued a Preliminary Order of Forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, against the following properties identified as “substitute assets”:

- a. one John Deere Tractor bearing Vehicle Identification Number TCM0502608M and serial number 97-685N462;
- b. one ATV Polaris Sportsman bearing Vehicle Identification Number 4XAMH76A46A651466; and
- c. one Chevrolet Corvette bearing Vehicle Identification Number 1G1YY26E985100647

(the “Properties”);

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties and published on the government website www.forfeiture.gov for thirty (30) consecutive calendar days, beginning on April 28, 2011 and ending on May 27, 2011; and

WHEREAS, no claims of interest in the Properties have been filed with the Court or served on the United States Attorney’s Office, and the time within which to do so has expired.

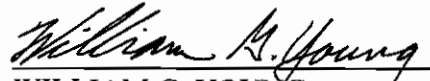
ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The United States’ Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Properties, and they are hereby forfeited to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and Rule 32.2(c) of the Federal Rules of

Criminal Procedure.

3. All other parties having any right, title or interest in the Properties are hereby held in default.

4. The Department of Homeland Security, United States Customs and Border Protection is hereby authorized to dispose of the Properties in accordance with applicable law.


WILLIAM G. YOUNG
United States District Judge

Dated: July 22, 2011